

REMARKS

The foregoing amendment and the following remarks are submitted in response to the Office Action issued on October 1, 2004 (Paper No. 5032004) in connection with the above-identified patent application, and are being filed within the three-month shortened statutory period set for a response by the Office Action.

Claims 1-19 remain pending in the present application as amended. Claims 1 and 16 have been amended to re-characterize same and all dependent claims depending therefrom as computer-readable medium claims. Applicant respectfully submits that no new matter has been added to the application by the amendment.

The Examiner has rejected claims 1, 2, and 5-19 under 35 USC § 101 as being directed to non-statutory subject matter. Applicants respectfully traverse the § 101 rejection insofar as it may be applied to the claims as amended.

Independent claims 1 and 16 have been re-characterized as Beauregard claims by being amended to recite a computer-readable medium having computer-executable instructions for instantiating a forecasting tool (claim 1 et seq.) and for performing a method (claim 16 et seq.). Thus, Applicant respectfully submits that such claims now recite patentable subject matter and accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 101 rejection.

The Examiner has rejected claims 1-19 under 35 USC § 103 as being obvious over Gleditsch et al. (U.S. Patent No. 6,415,194) in view of Mahapatro (U.S. Patent No. 6,571,215). Applicants respectfully traverse the § 103 rejection.

Independent claim 1 recites a computer-readable medium having stored thereon computer-executable instructions for instantiating a forecasting tool for predicting future demand for quantifiable items in connection with a plurality of projects. The tool is instantiated on at least one computer in the form of a database having multiple tables, where each table has information therein. A project table has project information for each project, where the project information includes a reference to items to be employed in connection with the project. An item table has item information for each item referenced by the project table, where the item information includes a reference to an algorithm to be employed to determine a quantity of the item for a particular project. An algorithm table has algorithm information for each algorithm referenced by the item table.

Independent claim 16 recites a computer-readable medium having stored thereon computer-executable instructions for performing a method of employing a forecasting tool such as that recited in connection with claim 1. Thus, an item needed for a project is determined from a project table having project information for each project, where the project information includes a reference to items to be employed in connection with the project. Likewise, an algorithm necessary to determine a quantity of a needed item is determined from an item table having item information for each item referenced by the project table, where the item information includes a reference to an algorithm to be employed to determine a quantity of the item for a particular project. Also, specifics of a necessary algorithm are determined from an algorithm table having algorithm information for each algorithm referenced by the item table. Any inputs necessary for an algorithm are determined from each table as necessary, and the inputs are applied to the algorithm to determine the quantity of the needed item.

As was set forth in the background section of the present application, the present invention as set forth in the claims is directed in particular (but by no means exclusively) to a relatively complex and/or ongoing project, where it is very useful to be able to predict future demand for materials, parts, and equipment and the like. Accordingly, such materials can be ordered from appropriate suppliers and received in a timely manner.

Oftentimes, such materials include not only materials that are quite evident, but also other materials that are not nearly as evident but that are still necessary. Regardless, all such materials optimally should be ordered and received in a manner such that the materials are neither too early or too late relevant to when such materials are needed. As should be understood, then, in the aforementioned relatively complex and/or ongoing project, and in other typical projects, it can become a mammoth undertaking to plan for materials for such projects, as well as for other project needs including labor needs and other support needs. Accordingly, the present invention is directed toward a forecasting tool that accurately predicts future demand for parts / materials / equipment in connection with an ongoing project or operation or the like, where such forecasting tool predicts such demand based on factors including historic demand, supplier availability, project requirements, and the like.

The Gleditsch reference discloses a system and method by which demand for a manufacturing resource is scheduled in response to a customer order for a product. The system and method includes means for tracking scheduled finished goods orders, existing finished goods inventory, past due finished goods orders, unallocated customer orders and marketing orders, and the manufacturing lead time for the product, among other manufacturing process parameters. The customer order amount and the date requested for the order are entered, and depending on whether the date requested is inside, equal to or outside

the manufacturing lead time, manufacturing resources are consumed from one or more of the scheduled finished goods orders, existing finished goods inventory, available to promise amounts, past due finished goods orders, unallocated customer orders, marketing orders, and high flex amounts.

As principally noted by the Examiner, the Gleditsch reference at column 3, line 50 through column 4, line 33 discloses calculating when certain amounts of raw materials or other manufacturing resources are going to be needed based on when a customer order needs to be filled, determining the date when a manufacturer needs to purchase or produce raw materials, allocating and scheduling manufacturing resources, and the like. Such passage also discloses that the system includes a database for storing predefined parameters, information about customer orders, and historical data.

However, and as the Examiner concedes, the Gleditsch reference utterly fails to recognize that information in the Gleditsch system should or could be organized according to tables, including a project table having project information for each project, where the project information includes a reference to items to be employed in connection with the project, an item table having item information for each item referenced by the project table, where the item information including a reference to an algorithm to be employed to determine a quantity of the item for a particular project; and an algorithm table having algorithm information for each algorithm referenced by the item table, all as required by claims 1 and 16.

Likewise, and as the Examiner also concedes, the Gleditsch reference utterly fails to recognize that any such tables should or could be employed by determining an item needed for a project from a project table, determining an algorithm necessary to determine a quantity

of a needed item from an item table, determining specifics of a necessary algorithm from an algorithm table, obtaining any inputs necessary for the algorithm from each table as necessary, and applying the inputs to the algorithm to determine the quantity of the needed item, all as required by claim 16.

Nevertheless, the Examiner argues that the Mahapatro reference discloses the use of such tables. However, such Mahapatro reference does not in fact disclose using tables in the manner set forth in the claims. Instead, such tables as employed in the Mahapatro reference (Table 2 at column 13 and Table 3 at column 14, for example), are in fact tables setting forth information in connection with the disclosure, and not tables that are employed as part of the invention disclosed. Thus, Applicants respectfully submit that the Mahapatro reference does not in fact suggest using tables to organize information in the manner argued by the Examiner.

Moreover, and at any rate, Applicants respectfully submit that the present invention as recited in claims 1 and 16 relies in large part on the information being stored in tables, and on information in one table referring to another table in the manner recited. Accordingly, answers to queries may be obtained in large part by following such references from table to table as necessary to collect needed information in a quick, efficient, and intuitive manner.

More to the point, since the present invention relies on such tables and references, Applicant respectfully submits that the Examiner cannot make a prime facie case of obviousness merely by pointing to prior art that discloses using tables, as is (erroneously) the case in connection with the present rejection. Instead, Applicant respectfully submits that the Examiner instead must point to a reference that discloses using tables in a manner akin to that which is recited in the claims of the present application. Inasmuch as the Examiner has not

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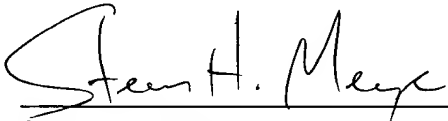
done so, Applicant must respectfully conclude that the Examiner has failed to make such a prime facie case of obviousness.

Thus, because the combination of the Gleditsch and Mahapatro references fails to suggest or hint at the forecasting tool and method of using same as recited in claims 1 and 16, Applicants respectfully submit that such references do not make obvious such claims 1 and 16 or any claims depending therefrom including claims 2-15 and 17-19. Instead, Applicants respectfully submit that such claims are not in fact obvious in view of such references, and accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 103 rejection.

In view of the foregoing discussion, Applicant respectfully submits that the present application including claims 1-19 is in condition for allowance, and such action is respectfully requested.

Respectfully Submitted,

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Steven H. Meyer
Registration No. 37,189

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439